



Atty. Docket No. 18623-014100US  
Client Ref. No. EPI 0141.00US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Alessandro Sette, John Sidney, Scott Southwood, Brian D. Livingston, Robert Chesnut, Denise Marie Baker, Esteban Celis, Ralph T. Kubo and Howard M. Grey  
Application or Patent No.: 09/412,863  
Filed or Issued: October 5, 1999  
Title: INDUCING CELLULAR IMMUNE RESPONSES TO HUMAN IMMUNODEFICIENCY VIRUS-1 USING PEPTIDE AND NUCLEIC ACID COMPOSITIONS

I hereby declare that I am:

☐  
☒

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Epimmune Inc.  
Address of Small Business Concern: 5820 Nancy Ridge Drive  
San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INDUCING CELLULAR IMMUNE RESPONSES TO HUMAN IMMUNODEFICIENCY VIRUS-1 USING PEPTIDE AND NUCLEIC ACID COMPOSITIONS by inventor(s) Alessandro Sette, John Sidney, Scott Southwood, Brian D. Livingston, Robert Chesnut, Denise Marie Baker, Esteban Celis, Ralph T. Kubo and Howard M. Grey described in:

☐  
☒  
☐

the specification filed herewith.

Application No. 09/412,863, filed October 5, 1999

Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name  
Address

\_\_\_\_\_  
\_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name  
Address

\_\_\_\_\_  
\_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Timothy L. Lithgow  
Title of Person if Other than Owner: Director, Intellectual Property  
Address of Person Signing: Epimmune Inc.  
5820 Nancy Ridge Drive, San Diego, CA 92121

Signature

[Signature]

Date

11/4/00



#3  
Attorney Docket No.: 18623-014100US  
Client Reference No.: EPI 0141.00US

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INDUCING CELLULAR IMMUNE RESPONSES TO HUMAN IMMUNODEFICIENCY VIRUS-1 USING PEPTIDE AND NUCLEIC ACID COMPOSITIONS** the specification of which \_\_\_\_\_ is attached hereto or X was filed on October 5, 1999 as Application No. 09/412,863 and was amended on \_\_\_\_\_ (if applicable).

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#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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- 08/159,184	11/29/93	Abandoned
08/073,205	6/4/93	Abandoned
08/027,146	3/5/93	Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Hector A. Alicea, Reg. No. 40,891  
Randolph T. Apple, Reg. No. 36,429  
Kevin L. Bastian, Reg. No. 34,774  
Guy Chambers, Reg. No. 30,617  
Karen B. Dow, Reg. No. 29,684  
M. Henry Heines, Reg. No. 28,219  
Laurence J. Hyman, Reg. No. 35,551  
Jeffrey J. King, Reg. No. 38,515

Joe Liebeschuetz, Reg. No. 37,505  
Jeffry S. Mann, Reg. No. 42,837  
Annette S. Parent, Reg. No. 42,058  
Steven W. Parmelee, Reg. No. 31,990  
Brian W. Poor, Reg. No. 32,928  
Timothy L. Smith, Reg. No. 35,367  
William M. Smith, Reg. No. 30,223  
Joseph P. Snyder, Reg. No. 39,381  
John R. Storella, Reg. No. 32,944  
Eugenia Garrett-Wackowski, Reg. No. 37,330  
Ellen Lauver Weber, Reg. No. 32,762  
Kenneth A. Weber, Reg. No. 31,667  
Kathleen Choi, Reg. No. 43,433  
Jean M. Lockyer, Reg. No. P-44,879

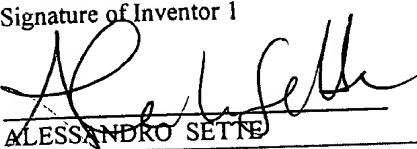
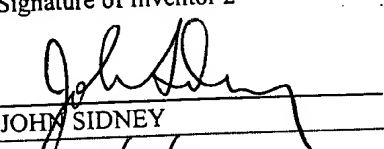
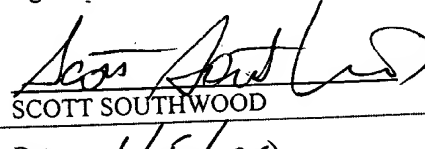
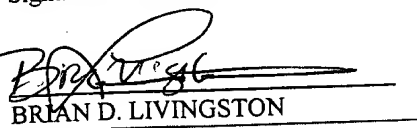
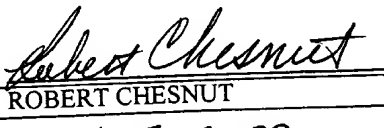
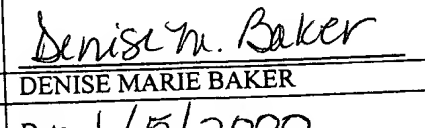
Epimmune Inc.  
Timothy J. Lithgow, M.D., J.D.  
Reg. No. 36,856

Send Correspondence to: <b>Jean M. Lockyer</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: <b>Jean M. Lockyer</b> Reg. No.: <b>P-44,879</b> Telephone: <b>415-576-0200</b>
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Full Name of Inventor 1:	Last Name: <b>SETTE</b>	First Name: <b>ALESSANDRO</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>La Jolla</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Italy</b>	
Post Office Address:	Post Office Address: <b>5551 Linda Rosa Avenue</b>	City: <b>La Jolla</b>	State/Country: <b>California</b>	Postal Code: <b>92037</b>
Full Name of Inventor 2:	Last Name: <b>SIDNEY</b>	First Name: <b>JOHN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
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Full Name of Inventor 3:	Last Name: <b>SOUTHWOOD</b>	First Name: <b>SCOTT</b>	Middle Name or Initial:	
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Post Office Address:	Post Office Address: <b>10679 Strathmore Drive</b>	City: <b>Santee</b>	State/Country: <b>California</b>	Postal Code: <b>92071</b>
Full Name of Inventor 4:	Last Name: <b>LIVINGSTON</b>	First Name: <b>BRIAN</b>	Middle Name or Initial: <b>D.</b>	
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Full Name of Inventor 5:	Last Name: <b>CHESNUT</b>	First Name: <b>ROBERT</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Cardiff-by-the-Sea</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1473 Kings Cross Drive</b>	City: <b>Cardiff-by-the-Sea</b>	State/Country: <b>California</b>	Postal Code: <b>92007</b>
Full Name of Inventor 6:	Last Name: <b>BAKER</b>	First Name: <b>DENISE</b>	Middle Name or Initial: <b>MARIE</b>	
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>11575 Caminito LaBar #21</b>	City: <b>San Diego</b>	State/Country: <b>California</b>	Postal Code: <b>92126</b>
Full Name of Inventor 7:	Last Name: <b>CELIS</b>	First Name: <b>ESTEBAN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Rochester</b>	State/Foreign Country: <b>Minnesota</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>3683 Wright Road S.W.</b>	City: <b>Rochester</b>	State/Country: <b>Minnesota</b>	Postal Code: <b>55902</b>
Full Name of Inventor 8:	Last Name: <b>KUBO</b>	First Name: <b>RALPH</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Carlsbad</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>6921 Pear Tree Drive</b>	City: <b>Carlsbad</b>	State/Country: <b>California</b>	Postal Code: <b>92009</b>
Full Name of Inventor 9:	Last Name: <b>GREY</b>	First Name: <b>HOWARD</b>	Middle Name or Initial: <b>M.</b>	
Residence & Citizenship:	City: <b>La Jolla</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1461 Caminito Batea</b>	City: <b>La Jolla</b>	State/Country: <b>California</b>	Postal Code: <b>92037</b>

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Signature of Inventor 1  <b>ALESSANDRO SETTE</b>	Signature of Inventor 2  <b>JOHN SIDNEY</b>	Signature of Inventor 3  <b>SCOTT SOUTHWOOD</b>
Date <b>1/5/00</b>	Date <b>1/5/00</b>	Date <b>1/5/00</b>
Signature of Inventor 4  <b>BRIAN D. LIVINGSTON</b>	Signature of Inventor 5  <b>ROBERT CHESNUT</b>	Signature of Inventor 6  <b>DENISE MARIE BAKER</b>
Date <b>1/5/00</b>	Date <b>1-5-2000</b>	Date <b>1/5/2000</b>

Signature of Inventor 7	Signature of Inventor 8	Signature of Inventor 9
ESTEBAN CELIS	RALPH T. KUBO	HOWARD M. GREY
Date	Date	Date

SF #1032646 v1



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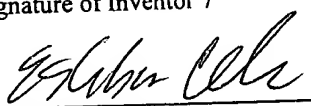
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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
<u>ALESSANDRO SETTE</u>	<u>JOHN SIDNEY</u>	<u>SCOTT SOUTHWOOD</u>
Date	Date	Date
Signature of Inventor 4	Signature of Inventor 5	Signature of Inventor 6
<u>BRIAN D. LIVINGSTON</u>	<u>ROBERT CHESNUT</u>	<u>DENISE MARIE BAKER</u>
Date	Date	Date



Signature of Inventor 7 	Signature of Inventor 8	Signature of Inventor 9
ESTEBAN CELIS	RALPH T. KUBO	HOWARD M. GREY
Date	Date	Date

SF #1032646 v1



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08/073,205	6/4/93	Abandoned
08/027,146	3/5/93	Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Hector A. Alicea, Reg. No. 40,891  
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Guy Chambers, Reg. No. 30,617  
Karen B. Dow, Reg. No. 29,684  
M. Henry Heines, Reg. No. 28,219  
Laurence J. Hyman, Reg. No. 35,551  
Jeffrey J. King, Reg. No. 38,515

Joe Liebeschuetz, Reg. No. 37,505  
Jeffry S. Mann, Reg. No. 42,837  
Annette S. Parent, Reg. No. 42,058  
Steven W. Parmelee, Reg. No. 31,990  
Brian W. Poor, Reg. No. 32,928  
Timothy L. Smith, Reg. No. 35,367  
William M. Smith, Reg. No. 30,223  
Joseph P. Snyder, Reg. No. 39,381  
John R. Storella, Reg. No. 32,944  
Eugenia Garrett-Wackowski, Reg. No. 37,330  
Ellen Lauver Weber, Reg. No. 32,762  
Kenneth A. Weber, Reg. No. 31,667  
Kathleen Choi, Reg. No. 43,433  
Jean M. Lockyer, Reg. No. P-44,879

Epimmune Inc.  
Timothy J. Lithgow, M.D., J.D.  
Reg. No. 36,856


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Full Name of Inventor 5:	Last Name: <b>CHESNUT</b>	First Name: <b>ROBERT</b>	Middle Name or Initial:	
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Post Office Address:	Post Office Address: <b>3683 Wright Road S.W.</b>	City: <b>Rochester</b>	State/Country: <b>Minnesota</b>	Postal Code: <b>55902</b>
Full Name of Inventor 8:	Last Name: <b>KUBO</b>	First Name: <b>RALPH</b>	Middle Name or Initial: <b>T.</b>	
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Post Office Address:	Post Office Address: <b>6921 Pear Tree Drive</b>	City: <b>Carlsbad</b>	State/Country: <b>California</b>	Postal Code: <b>92009</b>
Full Name of Inventor 9:	Last Name: <b>GREY</b>	First Name: <b>HOWARD</b>	Middle Name or Initial: <b>M.</b>	
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Post Office Address:	Post Office Address: <b>1461 Caminito Batea</b>	City: <b>La Jolla</b>	State/Country: <b>California</b>	Postal Code: <b>92037</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
<u>ALESSANDRO SETTE</u>	<u>JOHN SIDNEY</u>	<u>SCOTT SOUTHWOOD</u>
Date	Date	Date
Signature of Inventor 4	Signature of Inventor 5	Signature of Inventor 6
<u>BRIAN D. LIVINGSTON</u>	<u>ROBERT CHESNUT</u>	<u>DENISE MARIE BAKER</u>
Date	Date	Date

Signature of Inventor 7	Signature of Inventor 8	Signature of Inventor 9
		
ESTEBAN CELIS	RALPH T. KUBO	HOWARD M. GREY
Date	Date 12/21/99	Date

SF #1032646 v1



#3  
Attorney Docket No.: 18623-014100US  
Client Reference No.: EPI 0141.00US

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INDUCING CELLULAR IMMUNE RESPONSES TO HUMAN IMMUNODEFICIENCY VIRUS-1 USING PEPTIDE AND NUCLEIC ACID COMPOSITIONS** the specification of which \_\_\_\_\_ is attached hereto or X was filed on October 5, 1999 as Application No. 09/412,863 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/189,702	11/10/98	Pending
08/205,713	3/4/94	Pending
08/159,184	11/29/93	Abandoned
08/073,205	6/4/93	Abandoned
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Date	Date	Date
Signature of Inventor 4	Signature of Inventor 5	Signature of Inventor 6
<u>BRIAN D. LIVINGSTON</u>	<u>ROBERT CHESNUT</u>	<u>DENISE MARIE BAKER</u>
Date	Date	Date



Signature of Inventor 7	Signature of Inventor 8	Signature of Inventor 9
ESTEBAN CELIS	RALPH T. KUBO	HOWARD M. GREY
Date	Date	Date 12/27/99

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